

1 **DAVID J. STEELE, CA Bar No. 209797**  
2 **Email: david.steele@cph.com**  
3 **CHRISTIE, PARKER & HALE, LLP**  
4 **3501 Jamboree Road, Suite 6000-North Tower**  
5 **Newport Beach, CA 92660**  
6 **Telephone: (949) 476-0757**  
7 **Facsimile: (949) 476-8640**

8 **HOWARD A. KROLL, CA Bar No. 100981**  
9 **Email: howard.kroll@cph.com**  
10 **CHRISTIE, PARKER & HALE, LLP**  
11 **350 W. Colorado Boulevard, Suite 500**  
12 **Pasadena, CA 91105**  
13 **Telephone: (626) 795-9900**  
14 **Facsimile: (626) 577-8800**

15 **SARAH B. DEUTSCH (Admitted *pro hac vice*)**  
16 **Email: sarah.b.deutsch@verizon.com**  
17 **VERIZON CORPORATE SERVICES CORP.**  
18 **1515 North Court House Road, Suite 500**  
19 **Arlington, VA 22201**  
20 **Telephone: (703) 351-3044**  
21 **Facsimile: (703) 351-3670**

22 Attorneys for Plaintiffs  
23 VERIZON CALIFORNIA INC.  
24 VERIZON TRADEMARK SERVICES LLC  
25 VERIZON LICENSING COMPANY

26 UNITED STATES DISTRICT COURT  
27 NORTHERN DISTRICT OF CALIFORNIA  
28 SAN JOSE DIVISION

VERIZON CALIFORNIA INC.; VERIZON  
TRADEMARK SERVICES LLC; and  
VERIZON LICENSING COMPANY,

Plaintiffs,

vs.

ONLINENIC INC.; and DOES 1-10,

Defendants.

Case No. CV-08-2832-JF

**PLAINTIFFS' *EX PARTE***  
**APPLICATION TO RESCHEDULE**  
**SEPTEMBER 19, 2008 CASE**  
**MANAGEMENT CONFERENCE TO**  
**DECEMBER 5, 2008**

*Currently Scheduled for:*

**DATE: September 19, 2008**  
**TIME: 10:30 a.m.**  
**CTRM: 3, 5th Floor**

*Proposed:*

**DATE: December 5, 2008**  
**TIME: 10:30 a.m.**  
**CTRM: 3, 5th Floor**

**Hon. Jeremy Fogel**

Plaintiffs' *Ex Parte* Application to  
Reschedule Case Mgmt. Conference  
Case No. CV-08-2832-JF

1 Plaintiffs, VERIZON CALIFORNIA INC., VERIZON TRADEMARK SERVICES  
2 LLC, and VERIZON LICENSING COMPANY (collectively "Plaintiffs"), by and through their  
3 attorneys, Christie, Parker & Hale, LLP, request the Court reschedule the September 19, 2008  
4 case management conference to December 5, 2008 because Plaintiffs, despite reasonable  
5 diligence, have been unable to effect service of the summons and the complaint on OnlineNIC  
6 Inc. ("Defendant").

7 Plaintiffs file this Application *ex parte* because they have been unable to serve  
8 Defendant. Neither Defendant nor counsel for Defendant has contacted Plaintiff's counsel  
9 regarding this suit despite that Defendant's designated agent and Chief Financial Officer  
10 received a copy of the complaint, summons, and related court documents. Plaintiff will attempt  
11 to deliver a copy of this Application to Defendant using first class mail to an address listed by  
12 Defendant for receiving mail, to facsimile using a facsimile number listed by Defendant on  
13 their website for receiving facsimile messages, and via electronic mail using an electronic mail  
14 address listed by Defendant on their website for receiving electronic mail.

15 Since Plaintiffs have been unable to make contact with Defendant, Plaintiff could not  
16 advise Defendant's counsel pursuant to Local Rule 7-19.1 regarding this Application.

17 Federal Rules of Civil Procedure Rule 16(b)(4) states that, "[a] schedule may be  
18 modified only for good cause and with the judge's consent." Plaintiffs have attempted with  
19 reasonable diligence to serve Defendant with the summons and complaint in this action.  
20 Plaintiffs have also attempted, with reasonable diligence to serve the Defendant's designated  
21 agent. To date, these efforts have failed.

22 Plaintiffs outline their attempts at service in further detail in the concurrently filed *Ex*  
23 *Parte* Application For An Order Authorizing Service By Hand Delivery Of The Summons And  
24 Complaint To The California Secretary of State. Briefly, Plaintiffs attempted to serve  
25 Defendant using a professional process server at the address Defendant listed with the  
26 California Secretary of State. Unfortunately, the listed address was not a valid address for  
27 Defendant. Plaintiffs conducted additional research in an attempt to locate Defendant's current  
28 address and identified two additional potential addresses. The first address, however, did not  
Plaintiffs' *Ex Parte* Application to  
Reschedule Case Mgmt. Conference  
Case No. CV-08-2832-JF

1 appear to be a valid address for Defendant. It is unclear whether the second address, despite  
 2 being listed by Defendant on its website, was a valid address for Defendant because persons  
 3 working at that location claimed they were unaware of Defendant and that Defendant did not  
 4 conduct business at the address.

5 Plaintiffs also attempted to serve Defendant's designated agent at the address Defendant  
 6 listed with the California Secretary of State<sup>1</sup> using a professional process server, but, the  
 7 designated agent was not located at that address. The professional process server was supplied  
 8 with an additional possible business address for Defendant, however, attempts to personally  
 9 serve Defendant or Defendant's designated agent at that address have also failed.

10 Plaintiffs have also mailed waivers of service, along with the summons and complaint,  
 11 to Defendant at the address listed with the California Secretary of State, as well as an additional  
 12 potential address of Defendant's business. The mailing to the address Defendant listed with the  
 13 California Secretary of State was signed for by an unknown individual. The mailing to  
 14 Defendant's additional address appears to have been signed for by Defendant's designated  
 15 agent, however, the validity of the address (and hence the authenticity of the signature) remains  
 16 suspect. Defendant have not returned the waiver<sup>2</sup>, nor made any contact with Plaintiffs.

17 Since Plaintiffs cannot effectuate service on Defendant despite its diligent efforts,  
 18 Plaintiffs are filing, concurrent with this Application, an *ex parte* Application for an order  
 19 authorizing service by hand delivery of the summons and complaint to the California Secretary  
 20 of State.

21 In view of the above information, and to allow Plaintiffs to effect service of the  
 22 summons and the complaint on Defendant, allow time for Defendant to answer, and coordinate  
 23 with the trial schedule of Plaintiff's counsel, Plaintiffs respectfully request the Court reschedule

24 ///

25 ///

26 ///

27 \_\_\_\_\_  
 28 <sup>1</sup> The address Defendant lists for its designated agent is the same address listed for Defendant.

<sup>2</sup> Return of the waiver of server is not due until September 14, 2008.

1 the September 19, 2008 Case Management Conference to December 5, 2008, or to a day  
2 thereafter which is convenient for the Court.

3  
4 CHRISTIE, PARKER & HALE, LLP

5 DATED: September 3, 2008

6 By /s/ David J. Steele

7 David J. Steele

8 Howard A. Kroll

9 Attorneys for Plaintiffs

10 VERIZON CALIFORNIA INC.

11 VERIZON TRADEMARK SERVICES LLC

12 VERIZON LICENSING COMPANY

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
LLB IRV1115077.2-\*-09/3/08 1:10 PM

**CERTIFICATE OF SERVICE**

I certify that on September 3, 2008, pursuant to Federal Rules of Civil Procedure, a true and correct copy of the foregoing document described as **PLAINTIFFS' EX PARTE APPLICATION TO RESCHEDULE SEPTEMBER 19, 2008 CASE MANAGEMENT CONFERENCE TO DECEMBER 5, 2008** was served on the party(ies) in this action via facsimile, electronic mail, and first-class mail, postage prepaid, certified, return receipt, addressed as follows:

Rex W. Liu  
ONLINENIC INC.  
2315 26th Avenue  
San Francisco, CA 94116

Rex W. Liu  
ONLINENIC INC.  
351 Embarcadero E.  
Oakland, CA 94606  
Fax: 1-510-769-8487  
Email: cs-us@OnlineNIC.com

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on September 3, 2008 at Newport Beach, California.

/s/ Linda L. Bolter

1 **DAVID J. STEELE, CA Bar No. 209797**  
Email: david.steele@cph.com  
2 **CHRISTIE, PARKER & HALE, LLP**  
3501 Jamboree Road, Suite 6000-North Tower  
3 Newport Beach, CA 92660  
Telephone: (949) 476-0757  
4 Facsimile: (949) 476-8640

5 **HOWARD A. KROLL, CA Bar No. 100981**  
Email: howard.kroll@cph.com  
6 **CHRISTIE, PARKER & HALE, LLP**  
350 W. Colorado Boulevard, Suite 500  
7 Pasadena, CA 91105  
Telephone: (626) 795-9900  
8 Facsimile: (626) 577-8800

9 **SARAH B. DEUTSCH (Admitted *pro hac vice*)**  
Email: sarah.b.deutsch@verizon.com  
10 **VERIZON CORPORATE SERVICES CORP.**  
1515 North Court House Road, Suite 500  
11 Arlington, VA 22201  
Telephone: (703) 351-3044  
12 Facsimile: (703) 351-3670

13 Attorneys for Plaintiffs  
VERIZON CALIFORNIA INC.  
14 VERIZON TRADEMARK SERVICES LLC  
VERIZON LICENSING COMPANY  
15

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION

18 VERIZON CALIFORNIA INC.; VERIZON  
19 TRADEMARK SERVICES LLC; and  
VERIZON LICENSING COMPANY,

20 Plaintiffs,

21 vs.

22 ONLINENIC INC.; and DOES 1-10,

23 Defendants.

Case No. CV-08-2832-JF

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' *EX PARTE*  
APPLICATION TO RESCHEDULE  
SEPTEMBER 19, 2008 CASE  
MANAGEMENT CONFERENCE TO  
DECEMBER 5, 2008**

***Currently Scheduled for:***  
**DATE: September 19, 2008**  
**TIME: 10:30 a.m.**  
**CTRM: 3, 5th Floor**

***Proposed:***  
**DATE: December 5, 2008**  
**TIME: 10:30 a.m.**  
**CTRM: 3, 5th Floor**

**Hon. Jeremy Fogel**

24  
25  
26  
27  
28  
[Proposed] Order Granting Pltfs' *Ex Parte*  
App. to Reschedule Case Mgmt. Conf. -1-  
Case No. CV-08-2832-JF

1 WHEREAS Plaintiffs VERIZON CALIFORNIA INC., VERIZON TRADEMARK  
2 SERVICES LLC, AND VERIZON LICENSING COMPANY (collectively "Plaintiffs"),  
3 despite reasonable diligence, have been unable to effectuate service of process on ONLINENIC  
4 INC. ("Defendant");

5 WHEREAS the Case Management Conference is currently set for September 19, 2008;

6 WHEREAS Defendant has not yet made an appearance in this case;

7 WHEREAS Plaintiffs have requested the Case Management Conference be rescheduled  
8 to December 5, 2008, or to a day thereafter which is convenient for the Court, to allow for  
9 service of process on Defendant;

10 IT IS HEREBY ORDERED THAT Plaintiffs' Ex Parte Application To Reschedule  
11 Case Management Conference until December 5, 2008 at 10:30 am in Courtroom 3, 5th Floor,  
12 is GRANTED.

13  
14 **IT IS SO ORDERED.**

15  
16 DATED: \_\_\_\_\_

\_\_\_\_\_  
Jeremy Fogel  
United States District Judge

17  
18  
19  
20  
21 LLB IRV1115081.1-\*09/3/08 2:51 PM  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I certify that on September 3, 2008, pursuant to Federal Rules of Civil Procedure, a true and correct copy of the foregoing document described as **[PROPOSED] ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION TO RESCHEDULE SEPTEMBER 19, 2008 CASE MANAGEMENT CONFERENCE TO DECEMBER 5, 2008** was served on the party(ies) in this action via facsimile, electronic mail, and first-class mail, postage prepaid, certified, return receipt, addressed as follows:

Rex W. Liu  
ONLINENIC INC.  
2315 26th Avenue  
San Francisco, CA 94116

Rex W. Liu  
ONLINENIC INC.  
351 Embarcadero E.  
Oakland, CA 94606  
Fax: 1-510-769-8487  
Email: cs-us@OnlineNIC.com

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on September 3, 2008 at Newport Beach, California.

/s/ Linda L. Bolter